

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA

Plaintiff

vs

Case No. CR-3-04-140 (14)
Judge Thomas M. Rose

CHARLES GOFF

Defendant

**ENTRY AND ORDER DENYING DEFENDANT'S MOTION TO DISMISS COUNT ONE
OF SECOND SUPERCEDING INDICTMENT BECAUSE OF DOUBLE JEOPARDY
(DOC. 452)**

Pursuant to the ruling by the Sixth Circuit on June 27, 2006, affirming this Court's previous order denying this Defendant's Motion to Dismiss the previous superceding indictment in this case, this Court DENIES this Defendant's Motion to Dismiss Count One of the presently pending second superceding indictment. The Court finds that the superceding indictment and the present second superceding indictment are not materially different in their nature, scope and duration and that the Sixth Circuit has explicitly stated that the same reasoning that was applied to the superceding indictment also would apply to this second superceding indictment and that such a double jeopardy challenge could not succeed.

Therefore, Defendant's Motion to Dismiss Count One of the superceding indictment because of double jeopardy is DENIED.

IT IS SO ORDERED.

September 27, 2006

***s/THOMAS M. ROSE**

Thomas M. Rose, Judge
United States District Court

